

Remarks/Arguments

35 U.S.C. §103

Claims 1-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Youman et al. (WO 96/17473) Independent claims 1, 6, and 12 have been amended to better represent the operation of the claimed invention. Support for the amendments can be found on page 27, lines 20-25.

It is submitted that Youman et al. does not teach or suggest the claimed combination of features including a "means for performing an alphabetical sort of the programs in response to the selected program descriptive field," and a "control means for displaying concurrently a list of program descriptive fields and an entry for entering a text string," as recited by the amended claim 1.

Youman et al. does not suggest a "means for performing an alphabetical sort of the programs in response to the user selection of a program descriptive field" as recited by the amended claim 1. Youman et al., teaches a system that requires a user to select a selection box, such as time, date, or title. (Fig. 38C) After choosing a selection, the user is presented with an additional screen that consists of an entry for entering a text string and the program listings displayed in alphabetical order. (Col. 31, lines 5-8, Fig. 38D) Youman et al., does not teach performing an alphabetical sort of the program listings in response to the selection of a selection box. In Youman et al., the order of the listings displayed does not change in response to selecting a selection box. Only the number of listings displayed, ie. movies, sports, children, and the point in the listings chosen to start the display changes in response to selecting a selection box. (Col. 31, lines 10-12)

Youman et al. does not suggest concurrently displaying a list of program descriptive fields and an entry for entering a text string, and a listing of the alphabetical sort of programs. It was previously submitted by the applicants that the examiner used improper hindsight reasoning when concluding that the present invention is obvious in light of Youman. The examiner responded by citing *In re McLaughlin*, (443 F.2d 1392) that states that some reconstruction on hindsight reasoning is proper as long as it takes into account only knowledge which was within the level of ordinary skill at the time the invention was made, and does not include knowledge gleaned only from the applicant's disclosure.

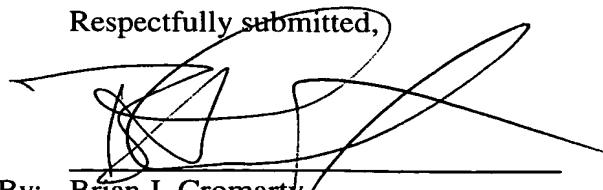
Am. dated July 21, 2004
Reply to Office action of April 22, 2004

However, further examination of *In Re McLaughlin*, reveals that the court defines the test for combining references as "what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art." *In re McLaughlin*, (443 F.2d 1392) Youman et al., discloses displaying a number of selection boxes on one screen, (Col. 16, lines 1-4) and then displaying an entry for entering a text string on a different screen. (Col. 31, lines 5-8) Youman et al., does not suggest a "control means for displaying concurrently a list of program descriptive fields and an entry for entering a text string" as recited by the currently amended claim 1. It is respectfully submitted therefore that the suggestion or motivation for the examiner's proposed modification of Youman et al. can only originate from within the applicant's disclosure.

It is submitted that the present invention recited by the current claim 1 is both novel and nonobvious in light of the cited prior art.

Furthermore it is submitted that independent claims 6, and 12 are allowable for at least the same reasons that claim 1 is allowable. Dependant claims 2-5, 7-11, and 13 are dependant from allowable independent claims and it is submitted that they are allowable on this basis and for at least the same reasons that independent claims 1, 6, and 12 are allowable.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

By: Brian J. Cromarty
See attached letter of limited recognition.
Phone (609) 734-6804